

REMARKS

Claim amendments

Applicant amends the claims to further define propagation priority and retention value. By amending the claims, Applicant does not imply that the claims prior to amendment were unpatentable over the cited art. The amendments are made solely in an effort to expedite prosecution of this application.

Applicant amends the claims directed to program storage media to be dependent on corresponding method claims. This amendment is intended to simplify examination of this application by reducing the number of independent claims and avoiding unnecessary duplication of amendments.

***Noritomi* lacks disclosure of a propagation priority predictive of economic value**

As best understood, the Office considers the order in which assets are listed in the copy file **123** as amounting to a “propagation priority.”

There is, however, no suggestion that the particular order of assets in the copy file **123** arises because some assets are expected to be more economically valuable to propagate than others. For example, with reference to the copy file excerpt shown in FIG. 4, there is no indication that propagating the asset “Mat-0205” is expected to yield a greater economic benefit than propagating the asset “Mat 0209.”

Noritomi states that the order in which assets are listed in the playback file **121** (and hence the order in which they appear in the copy file **123**) simply depends on the order in which assets are transmitted from the cache **5** to the user. In fact, *Noritomi* states

“[t]he playback file **121** contains the video program titles saved in an order of transmission from the cache server **5** to users, as shown in FIG. 3”¹

In describing FIG. 3, *Noritomi* further states that

“[a]s shown in FIG. 2, the playback file **121** includes ‘No. **300** indicative of an order of transmission of the

¹ *Noritomi*, col. 4, lines 65-67

video programs from the cache server 5²

There is no indication in *Noritomi* that assets are transmitted from the cache 5 to the user in an order that somehow corresponds to an expected economic value of the asset.

In contrast, Applicant discloses a method in which a proposed propagation of an asset is assigned a propagation value predictive of the economic value of executing that propagation. This is described beginning on page 16, line 13 of the specification, and also beginning on page 24, line 25.

Thus, even if one were to view the order in which assets are listed in the copy file 123 as a “propagation priority,” *Noritomi* itself states that this order depends on when those assets were transmitted from the cache server 5 to the users. There is no suggestion that the order in which assets are listed in the copy file 123 has anything to do with economic value. Accordingly, there is no teaching or suggestion of the claim limitation:

“a propagation priority *predictive of an economic value of propagating the selected asset* to the target server”

as recited in amended claim 1. A similar limitation appears in the remaining independent claims. Accordingly, Applicant requests reconsideration and withdrawal of the section 102 rejection.

***Noritomi* lacks disclosure of a retention value predictive of economic value**

As best understood, the Office considers the “retention value” of an asset to also correspond to the order in which assets are listed in the copy file 123.

There is, however, no suggestion that the particular order of assets in the copy file 123 arises because some assets are expected to be more economically valuable to retain than others. As noted above, the order of assets depends on when the assets were transmitted from the cache 5 to the users.

² *Noritomi*, col. 5, lines 2-4.

The mere fact that one asset was transmitted before another says nothing about which asset is more valuable to retain. For example, one asset may be yesterday's news and the other may be a newly-released film. It is quite unlikely that the economic value of retaining yesterday's news would depend on whether it was transmitted before or after the newly-released film.

Noritomi teaches deleting assets in an order that depends on how they are ordered in the copy file 123. However, there is no suggestion that the order in which assets are listed in the copy file 123 has anything to do with an economic value associated with retaining the asset. Hence, there is no teaching or suggestion of the claim limitation:

a retention value *predictive of an economic value* of retaining a replica

as recited in amended claim 1. A similar limitation appears in the remaining independent claims. Accordingly, Applicant requests reconsideration and withdrawal of the section 102 rejection.

Summary

Now pending in this application are claims 1-73. Of these, claims 1, 12, 20, 26, 30, 51, 56, and 70 are independent. No additional fees are believed to be due in connection with the filing of this request for continued examination. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050, referencing attorney docket "07742-012001."

Respectfully submitted,

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